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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,239	07/24/2003	Todd M. Enger	CE11226JI220	9986

24273 7590 12/12/2006

MOTOROLA, INC
INTELLECTUAL PROPERTY SECTION
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EXAMINER

ORGAD, EDAN

ART UNIT PAPER NUMBER

2618

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/626,239	Applicant(s) ENGER ET AL.	
	Examiner Edan Orgad	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 9/25/06 have been fully considered but they are not persuasive.

Applicant has amended claims to include changing an active software application. Applicant argues that Lenchik does not disclose changing an active software application. Furthermore, applicant argues that there is a distinction between the change of mode of operation and change in a software application. Examiner respectfully disagrees. Applicant's claim language does not provide any support or definition to describe that a change of mode of operation is different than change in a software application. Lenchik discloses, as admitted by applicant, multi-configuration device that changes display and mode of operation. It is examiner's contention that an active software application is inherently utilized in when the mode of operation changes along with different display configuration. Applicant is reminded, that although limitations in the claims are read in light of the specification, limitations from the specification are not read into the claims. Therefore, Lenchik's multi-configuration device with plural operation modes read on the broad limitation "change in software application".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Lenchik et al (US 2004/003485).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Lenchik teaches a multi-configuration portable electronic device comprising: at least one processor; a first body element (element 115) including at least one input device; and a second body element (element 104) including a display (element 120), the second body element being pivotally (element 112) coupled to the first body element such that the portable electronic device can be positioned into a plurality of physical configurations (figures 3, 7, 19 and 23), wherein operation of the input device, a mode of operation of the display, and an active software application being executed by the processor are changed in response to a change in the physical configuration of the portable electronic device (§ 0059, 0060).

Regarding claim 2, Lenchik teaches in response to a change in the physical configuration of the portable electronic device, the mode of operation of the display changes between portrait view and landscape view (§ 0023-0025).

Regarding claim 3, Lenchik teaches 3 at least one input device includes an adaptable keypad, and in response to a change in the physical configuration of the portable electronic

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device, the mode of operation of the adaptable keypad changes between numeric layout and text layout (§ 0061).

Regarding claim 4, Lenchik teaches a change in the physical configuration of the portable electronic device, the active software application being executed by the processor is changed between a phone application and a text application (§ 0034, 0060,0061).

Regarding claim 5, Lenchik teaches in response to a change in the physical configuration of the portable electronic device, the active software application being executed by the processor is changed between a phone application and a text application (§0034, 0060,0061).

Regarding claim 6, Lenchik teaches at least one input device includes an adaptable keypad, and in response to a change in the physical configuration of the portable electronic device, the mode of operation of the adaptable keypad changes between numeric layout and text layout (figure 23, element 2306).

Regarding claim 7, Lenchik teaches in response to a change in the physical configuration of the portable electronic device, the active software application being executed by the processor is changed between a phone application and a text application (§ 0034, 0060, 0061).

Regarding claim 8, Lenchik teaches at least one input device includes a directional input device selected from the group consisting of a mouse, a touchpad, a trackball, and a rotating dial (figure 23, shoes a rotating dial between the send and end buttons), and in response to a change in the physical configuration of the portable electronic device, the mode of operation of the directional input device is changed between a portrait orientation and a landscape orientation (§ 0023-0025, 0061).

Regarding claim 9, Lenchik teaches in response to a change in the physical configuration of the portable electronic device, the active software application being executed by the processor is changed between a phone application and a text application (§ 0034, 0060 and 0061).

Regarding claim 10, Lenchik teaches in response to a change in the physical configuration of the portable electronic device the active software application is changed on the fly without a need to load or reload an operating system, drivers, or software applications (§ 0061).

Regarding claim 11, Lenchik teaches the plurality of physical configurations of the portable electronic device include a portrait configuration and a landscape configuration (§ 0023-0025 and 0061).

Regarding claim 12, Lenchik teaches in response to a change in the physical configuration of the portable electronic device from the portrait configuration to the landscape configuration, the active software application being executed by the processor is changed between a phone application and a text application, the phone applications includes at least one of a phone dialer and an address book, and the text application includes at least one of text messaging, a notepad, a spreadsheet, an organizer, and a media player (§ 0002, 0023-0025, 0037, 0060 and 0061).

Regarding claim 13, Lenchik teaches the portrait configuration the portable electronic device functions as a wireless phone, and in the landscape configuration the portable electronic device functions as one or more of a text messaging pager, a PDA, a handheld computer, an electronic organizer, and a media player (§ 0002, 0023-0025).

Regarding claim 14, Lenchik teaches sensing switches for detecting the physical configuration of the portable electronic device, the sensing switches being integrated into at least one of the first and second body elements (§ 0045, 0056-0061).

Regarding claim 15, Lenchik teaches a logic circuitry coupled between the sensing switches and the processor, the logic circuitry supplying an interrupt to the processor in response to a change in the physical configuration of the portable electronic device (inherently Lenchik teaches switches and interrupt circuitry which are substantiated in § 0056-0061).

Regarding claim 16, Lenchik teaches a method of operating a portable electronic device having a plurality of physical configurations, said method comprising the steps of: generating an interrupt in response to a change in the physical configuration of the device (§ 0005, 0043 and 0044); and in response to the interrupt, changing a mode of operation of an input of the device, a mode of operation of a display of the device, and an active software application being executed on the device (§ 0054-0061).

Regarding claim 17, Lenchik teaches the changing step includes the sub-steps of: changing the mode of operation of the display between a portrait view and a landscape view; and changing the mode of operation of the input by changing a keypad between a numeric layout and a text layout (§ 0023-0025, 0054 and 0061).

Regarding claim 18, Lenchik teaches the changing step includes the sub-steps of: changing the mode of operation of the display between a portrait view and a landscape view; and changing the active software application between a phone application that causes the device to function as a wireless phone and a text application that causes the device to function as one or

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more of a text messaging pager, a PDA, a handheld computer, an electronic organizer, and a media player (figure 23, 24 and ¶ 0023-0025 & 0061).

Regarding claim 19, Lenchik teaches the changing step includes the sub-steps of: changing the mode of operation of the input by changing a keypad between a numeric layout and a text layout; and changing the active software application between a phone application that causes the device to function as a wireless phone and a text application that causes the device to functions as one or more of a text messaging pager, a PDA, a handheld computer, an electronic organizer, and a media player (figure 23, 24 and ¶ 0023-0025 & 0061).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 571-272-7884. The examiner can normally be reached on 9:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Edan Orgad

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PATENT EXAMINER/TELECOMM.

Edan Orgad 12/4/06

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